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OFFICE OF PETITIONS

In re Application of  
 Humayun et al.  
 Application No. 10/686,775  
 Filed: October 17, 2003  
 Attorney Docket No. 38530-017

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 : DECISION REFUSING STATUS  
 : UNDER 37 CFR 1.47(a)  
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This is in response to the petition under 37 CFR § 1.47(a), filed March 16, 2004.

The petition under 37 CFR. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on October 17, 2003, without an executed oath or declaration. Accordingly, on January 16, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of March 16, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. In support of the petition, applicants submitted copies of correspondence which was mailed to the non-signing inventor's legal representative as well as the declaration of Kelli N. Watson.

A grantable petition under 37 CFR. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

Charlema R. Grant  
Petitions Attorney  
Office of Petitions